

Appln No. 09/800,966

Remarks date June 14, 2004

Reply to Office action of December 18, 2003

REMARKS/ARGUMENTS

Claims 1-18 are pending. Claims 1, 10, 11, 12, 14 and 15 are amended. The Examiner has not acknowledged receipt of the IDSs that were filed on August 9, 2002, November 21, 2003, and February 3, 2004. Applicants respectfully request acknowledgment of the above-mentioned IDSs by initialing and returning the attached copies of the same IDSs.

Claims 4 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form and include all of the limitations of the base claim and any intervening claims.

Claims 1 to 18 are rejected under U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regard as the invention.

More particularly, the Office action states that claims 1 and 15 are not clear in relation to the phrase "... a second optical network supporting a second bit rate data stream which is substantially a multiple n of the first bit rate. . .".

Claims 1 and 15 have been amended to provide proper antecedent for "the first bit rate" and "the second bit rate." Accordingly, the relationship between the first bit rate and the second bit rate, that is, "the second bit rate being substantially a multiple n of the first bit rate" is now clearly defined. In view of the amendment to claims 1 and 15,

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reconsideration of the above rejection is respectfully requested.

Claims 11, 12 and 14 are rejected on the basis of insufficient antecedent basis for certain limitations. Claims 11, 12 and 14 have been amended to provide proper antecedent for the limitations in the respective claims. However, regarding the term "the two 1Gbit/streams" in claims 11 and 12, Applicants respectfully submit that proper antecedent for that term is provided in lines 3 of the respective claims, that is, the term "to produce two 1Gbit/streams" provides sufficient antecedent basis for the term "the two 1Gbit/streams." Thus, in view of amended claims 11, 12 and 14, reconsideration of the rejections of claims 11, 12 and 14 is respectfully requested. Also, claim 10 has been amended to delete the term "may" from the claim language.

Claims 1, 7, and 15 are rejected under U.S.C. § 103(a) as being obvious over Kuroyanagi et al. (U.S. 6,433,900). Applicants submit that all of the pending claims in this application are patentable over the cited references, and reconsideration of the rejections and allowance of this application are respectfully requested.

Independent claim 1, includes among other limitations, "a switching unit arranged, in use, to selectively cross connect any n first WDM data streams originating from one or more of the network elements of the WDM network destined for any same one of said other network elements to one of the multiplexing units for multiplexing into one said second data stream;" and independent

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claim 15, includes among other limitations, "selectively multiplexing any  $n$  first WDM data streams originating from one or more of the network elements of the WDM network destined for any same one of said other network elements into one said second data stream."

However, Kuroyanagi does not teach or suggest the above limitations of claim 1, nor the above limitation of claim 15. In making the rejections, the Office action states:  
". . . each multiplexing unit [FIG. 11] is being arranged to multiplex  $n$  first WDM data streams (for example optical signals of 11, 12, 13 in protection switch 90 of Fig. 11) into one second data stream (11 to 1n, Fig. 11), . . .", (Office action, page 3, middle of the page, emphasis added.)

Applicants respectfully submit that this characterization of the multiplexing unit/method of Kuroyanagi contains a critical inconsistency in the attempt to equate certain features in the cited reference with certain features of claim 1. More particularly, the Office action, on the one hand, has construed the  $n$  first WDM data streams, recited in claims 1 and 15 to correspond to each individual one of the signals 11, 12, 13. On the other hand, in relation to the second data stream recited in claims 1 and 15, the Office action has construed the  $n$  first WDM data streams to correspond to the combined, multiplexed signal containing all individual signals 11 to 1n.

Applicants respectfully submit that Kuroyanagi fails to disclose or suggest the claimed invention. There is no suggestion made in Kuroyanagi that  $n$  individual streams (on one

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side of the hub) are being combined or multiplexed into one stream (on the other side of the hub). In other words, there is no disclosure or suggestion that the two data streams of Kuroyanagi are differentiated differently on one side of the hub compared to the other. Thus, the disclosure in Kuroyanagi is limited to the same nature of both data streams, either as a combined, multiplexed signal, or as individual signals 11 to n. On both constructions, there is no disclosure or suggestion that n first WDM data streams are multiplexed into one second data stream.

Consequently, Applicants respectfully submit that claims 1 and 15 and their respective dependent claims are patentable over Kuroyanagi and reconsideration of the above rejections is respectfully requested.

Claims 1, 3, 8, 10, 15, and 17 are rejected under U.S.C. § 103(a) as being obvious over Fee (U.S. 5,777,761). Applicants submit that all of the above-rejected claims are patentable over the cited references, and reconsideration of the rejections and allowance of this application are respectfully requested.

In making the rejection, the Office action states that Fee discloses, in column 4, lines 7 to 10, digital cross connect switches DCCCs for switching, routing, multiplexing, and demultiplexing electrical signals into higher or lower bit rates. (Office action, page 4, third paragraph). However, Applicants respectfully submit that this disclosure is insufficient to render claims 1, 3, 8, 10, 15, and 17 unpatentable.

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X More particularly, Applicants are unable to find any teaching or suggestion in Fee of "a switching unit arranged, in use, to selectively cross connect any n first WDM data streams originating from one or more of the network elements of the WDM network destined for any same one of said other network elements to one of the multiplexing units for multiplexing into one said second data stream," as recited in apparatus claim 1. Moreover, Applicants are unable to find any teaching or suggestion in Fee of "selectively multiplexing any n first WDM data streams originating from one or more of the network elements of the WDM network destined for any same one of said other network elements into one said second data stream," as recited in method claim 15. Accordingly, Applicants respectfully submit that claims 1 and 15 are patentable over Fee based on different limitations.

In short, the independent claims 1 and 15 define a novel and unobvious invention over the cited references. Thus, claims 1 and 15 are allowable over the cited references. The remaining dependent claims 2-14, and 16-18 are dependent from claims 1 and 15, respectively and include all the limitations of their respective independent claim and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from one of allowable independent claims 1 and 15, and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition

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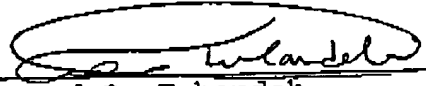
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for allowance, and accordingly, reconsideration and allowance  
are respectfully requested.

Respectfully submitted,

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